

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM,
VILLAGE HALL, ON MARCH 3, 2004**

Members Present: Peter Lilienfield, Chairman
Jay Jenkins
William Hoffman
Walter Montgomery, Secretary

Member Absent: Carolyn Burnett

Also Present: Lino Sciarretta, Village Counsel
Edward P. Marron, Jr., Building Inspector
Florence Costello, Planning Board Clerk
M.J. Wilson, Environmental Conservation Board Member
Applicants and other persons mentioned in these Minutes

IPB Matters

Considered:

- 03-46 – Joseph DeNardo – 7 Roland Road**
Sht. 15, Lot P-123A
- 04-01 – AT&T Wireless – Peter Bont Road & Hermits Road**
Sht. 11, B. 5, Lot 27C2A27G
- 04-03 – Thomas & Holly Harty – 57 Field Terrace**
Sht. 13A, Lot 99A
- 04-06 – Melanie Okun – 61 West Clinton Avenue**
Sht. 7B, B. 238, Lot P-6485, 64B3, 64
- 04-09 – Maria Marzan & Rafael Soltren – 46 Circle Drive**
Sht. 10A, B. 225, Lot 7A
- 04-10 – Meredith Vieira & Richard Cohen – 11 Dows Lane**
Sht. 7B, B. 249, Lot 1A
- 04-11 – Kevin & Suzanne Chase – 134 Fieldpoint Drive**
Sht. 10G, Lot 134
- 04-12 – Risa Wells & Israel Perlson – 42 Ardsley Avenue East**
Sht. 15, Lot P-129

Carried Over:

- 94-03 – Westwood Development Associates, Inc. – Phase 1 (Tract A)**
Sht. 10, P25J2, 25K2
Sht. 10C, Bl. 226, Lots 25A, 26A
Sht. 11, P-25J
- 03-36 – Racwel Contracting & Construction Co., Inc. – Dearman Close**
Sht. 10, Lot P-25J2-15
- 03-49 – Village of Irvington – Westwood Subdivision, Tract C**
Sht. 11, Lot P-71, P-73 and P-75 (formerly Sht. 11, Lot P-25J and P-25J2 and Sht. 10C, B. 226, Lot 27A)
- 04-04 – Jim & Vesna Rothschild – Lot #13, Dearman Park**
P-25J2-13, Sht. 10

04-13 – Charles M. Pateman/Nicodemus – 200 Mountain Road
Sht. 11, B1. Sec. 5, Lot 27K

The Chairman called the meeting to order at 8:04 p.m.

Administrative:

With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees. Further, unless otherwise noted, the Applicants submitted evidence of notice to Affected Property Owners.

REVIEW OF APPLICATIONS:

IPB Matter #04-01:

**Application of AT&T Wireless for Site
Development Plan Approval and Special Permit
for property at Peter Bont Road & Hermits Road**

Anthony B. Gioffre III, Esq., represented the Applicant, which is seeking Site Development Plan Approval and a Special Permit to co-locate a wireless telecommunications facility on an existing wireless telecommunications facility at Peter Bont Road and Hermits Road. The proposed installation is to provide wireless service along the New York State Thruway, Saw Mill Parkway, Saw Mill River Road and local roads surrounding the installation site.

The Chairman said that the Board's consultant on this matter, Mr. Comi, had sent a letter (March 3, 2004) to the Board stating that his concerns, with minor exceptions, had been addressed. Mr. Gioffre said that no one location would fill the existing service gaps and AT&T will have to use additional sites in the future.

The Board considered the Application complete, and set a public hearing for the Board's April meeting and asked Mr. Marron to request Mr. Comi's presence at that session. The Chairman also said that the County had submitted a letter (January 23, 2004) stating the County has no comments on this application.

The Board continued this matter for a public hearing in April.

IPB Matter #04-11:

**Application of Kevin & Suzanne Chase for Waiver
of Site Development Plan Approval for property at
134 Fieldpoint Drive**

Mr. Matthew Behrens, architect, appeared on behalf of the Applicants, who are seeking to erect a new, second-story dormer, with no footprint increase. Plans submitted

were: "Chase Residence, 134 Fieldpoint Drive, February 16, 2004, Matthew Behrens, architect," 3 sheets.

The Chairman noted the need for a variance for coverage and setbacks. The Board, he said, needs information from the Fieldpoint Homeowners Association regarding their approval of the project. He indicated that the Applicants could proceed to the Zoning Board of Appeals for appropriate variances.

The Board continued this matter.

IPB Matter #04-03:

Application of Thomas & Holly Harty for Site Development Plan Approval for property at 57 Field Terrace.

Christina Griffin, architect, represented the Applicants, who are proposing to construct extensions to an existing home, garage and patio. Plans submitted were: "Renovations and Extension to the Harty Residence, 57 Field Terrace Avenue, Christina Griffin, A.I.A., December 19, 2003," 5 sheets.

The Chairman noted the Applicant had received variances from the Zoning Board of Appeals (ZBA #2003-08 dated February 25, 2003 and ZBA #2004-01 (amendment) dated February 10, 2004) relative to the non-conforming lot size.

There were no comments from the public. The Board determined that the application could be handled as a Type II action under SEQRA. After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for the Site Development Plan approval for this application.

IPB Matter #04-06:

**Application of Melanie Okun for Site Development
Plan Approval for property at 61 West Clinton
Avenue**

Craig Studer, architect, appeared in support of this application for the demolition and removal of an existing residential structure, garage, accessory structures and pool, and the construction of a new 2 ½-story residence. Plans submitted were; “Okun Residence, 61 West Clinton Street (sic), Studer Design Associates, January 20, 2004, revised February 8, 2004,” 4 sheets.

Mr. Studer submitted (at the meeting) documents with comparative data on neighboring houses; the Chairman asked him to take these documents back and submit them prior to the deadline for consideration at the Board’s April meeting.

Rosemary and Sean Orr, who reside on West Clinton Avenue, expressed concern that the proposed new driveway would be too close to the neighboring house to the west, where Mrs. Orr’s mother resides.

Mr. Hoffman noted that Mr. Mastromonaco, in his memorandum of March 3, indicated that the Applicant had addressed the comments in Mr. Mastromonaco’s previous memorandum, dated February 4.

The Chairman indicated that the Application was sufficiently complete to schedule a public hearing for the Board’s Regular Meeting in April, conditioned on the Applicant having made the appropriate notifications regarding the Board’s intent to be Lead Agency under SEQEA. The Board continued this matter.

IPB Matter #04-10:

**Application of Meredith Vieira & Richard Cohen
for Site Development Plan Approval for property
at 11 Dows Lane**

Anthony Schembri of Opacic Architects and David Steinmetz, Esq., represented the Applicants, who are proposing to construct an addition to a single-family residence on property abutting the Old Croton Aqueduct. Plans submitted were: “Vieira/Cohen Residence, 11 Dows Lane, Schematic Design, Opacic Architects, February 18, 2004,” six sheets.

Mr. Steinmetz reviewed the plans, including FAR data. He acknowledged the need for a variance relative to the proposed intrusion into the Aqueduct buffer zone. In addition, he noted a coverage variance is required, since there would be an increase in what is clearly non-conforming coverage. This increase, he said, is the result of changes in the plans to accommodate a spa and to preserve the current stone terrace adjoining the house. Mr. Steinmetz also stated that plant screening would be installed along the Aqueduct. The Board, by consensus, directed the Applicant to proceed to the Zoning Board of Appeals to obtain the necessary variance.

Mr. Schembri discussed with the Board the data he had submitted to show the comparative size and scale of the project. The Chairman asked that FAR data, based on

square footage of each parcel in the neighborhood, be added to the submission, and he said the Board would understand such data would necessarily be approximate.

Mr. Hoffman noted that Mr. Mastromonaco, in a memorandum of March 3, had listed a few comments, and the Chairman said that the Applicants were addressing them.

Mr. Steinmetz requested a public hearing on this application for the Board's Regular Meeting in April, and the Board, by consensus, determined that the Application was sufficiently complete to set such hearing. This matter was continued.

IPB Matter #03-46:

**Application of Joseph DeNardo for Site
Development Plan Approval of such Requirement
for Property at 7 Roland Road**

Norman Sheer, Esq., and Mr. DeNardo appeared in support of the application, which is for approval to demolish an existing house and to construct a new residence on a property in the IF-40 Zone. Mr. Jenkins recused himself as in the past, but took part in the discussions as an interested member of the public.

The Board reopened the public hearing on this matter and the Chairman noted that the Board had asked to see plans with options for a house with a front-loading garage facing Erie Street. Mr. Sheer reviewed the plans for such options and said that the drawings now depict a house that would be four feet lower than in plans previously presented. He also reviewed the plans submitted earlier for a side-loading garage.

Mr. Sheer said that there would be plantings of 16-foot trees to replace trees removed to accommodate the side-loading garage. He also stated that the plantings would provide appropriate screening along the property line between the DeNardo and Rothman parcels.

Mr. Herbert Camp, representing the Ardsley Park Homeowners Association, said he would prefer a side-loading garage. Mr. Jenkins and Mr. Montgomery expressed the same view. Mr. Jenkins also said that he had some concern about the scale of the house.

Mr. Jenkins noted that falling limbs from the large tree on Erie Street next to the site of the proposed driveway are a chronic problem. The Chairman and Mr. Hoffman stated that the IPB should send a letter to the Board of Trustees addressing the removal of the tree.

There being no further comment from the public, the Chairman closed the public hearing. The Board determined this matter could be handled as a Type II action under SEQRA. Upon motion duly made and seconded, the Board voted 2-1 (with Mr. Montgomery in the negative and Mr. Jenkins recused) to grant Site Development Plan Approval for plans entitled Architectural plans by Rayex dated October 20, 2003 (7 sheets) and Construction Plan Denardo Development Corp. by Paul Petretti, P.E., L.S. revised February 10, 2004 (1 sheet).

IPB Matter #04-09:

**Application of Maria Marzan & Rafael Soltren for
Waiver of Site Development Plan Approval for
property at 46 Circle Drive.**

Susan Riordan, architect, represented the Applicants, who are proposing to build a new gabled front-entry porch and a second-floor addition to their home. Plans submitted were: "Soltren Residence, 46 Circle Drive, January 8, 2004, Susan Riordan, A.I.A.," 5 sheets. Also submitted was evidence of re-noticing, to cure a previously distributed defective notice.

Ms. Riordan reviewed plans and data on the size of houses in the immediate area of the Applicants' proposed project. She confirmed there will be no increase in the footprint of the structure.

There were no comments from the public. The Board determined that the application could be handled as a Type II action under SEQRA. After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for the Site Development Plan approval for this application.

IPB Matter #04-12:

**Application of Risa Wells & Israel Perlson for Site
Development Plan Approval for property at
42 Ardsley Avenue East.**

Tobias Guggenheimer, architect, represented the Applicants, who are proposing to enlarge an existing single-family house by extending the basement, first floor and second floor 30 feet south and 27 feet west, for various rooms and a two-car garage. Plans submitted were: "Wells and Perlson Residence, 42 Ardsley Avenue East, Tobias Guggenheimer Architects, P.C., January 15, 2004," 8 sheets.

The Chairman said the lot size is non-conforming and thus the Applicants must go to the Zoning Board of Appeals for a variance. He noted that Mr. Mastromonaco's

memorandum of March 3 cited the need for topographic, FAR and other information. Mr. Marron stated that the FAR meets Code specifications.

Mr. Guggenheimer said one tree is to be removed. Ms. Wilson of the Environmental Conservation Board noted that Board's letter of March 3 urging efforts to preserve the large fir tree on the property near the proposed drain. The Chairman asked that some measure be taken to save the tree – e.g., relocation of the proposed drain; Mr. Guggenheimer indicated that he would review the plans and consider the re-location of the drain. The Board's desire to save the tree was noted, although its proximity to the construction led the Board to leave this as a field decision.

The Chairman requested that the Applicants obtain data from the Town tax authorities to assess the scale of the proposed house vis-à-vis others in the neighborhood. He also noted that the percentage increase in size of the structure is large, in part as a result of the proposed basement.

The Applicants should go to the ZBA for a variance for a non-conforming lot, the Chairman said, in addition to securing the comparative-size data. With the satisfaction of these requirements and the determination that the Application is otherwise complete, a public hearing was scheduled for the IPB's Regular Meeting in April.

The Board continued this matter.

The Board then approved the notes for its Special Meetings of October 15, 2003 and November 13, 2003, and for its Regular Meeting of January 7, 2004.

The meeting was adjourned at 9:42 p.m.

Respectfully submitted,

Walter Montgomery
Secretary